* **HIGH COURT OF DELHI AT NEW DELHI**

\+ **CS(OS) No. 1076/2004**

Date of decision : 4th December, 2007

\# Bennett Coleman & Co. Ltd.

..... PLAINTIFF

! Through : Mr. R.K. Sharma, Advocate

Versus

$ M/s. Adharshila Creations & Ors.

..... DEFENDANTS

^ Through : Nemo.

%

CORAM:
HON'BLE MS. JUSTICE ARUNA SURESH

(1) Whether reporters of local paper may be allowed to see the judgment?

(2) To be referred to the reporter or not?

(3) Whether the judgment should be reported in the Digest ?

ARUNA SURESH, J. (Oral)

1. Plaintiff has filed the present suit for recovery of Rs. 35,77,491.93/- under the summary provisions of Order XXXVII of the Civil Procedure Code (hereinafter referred to as 'CPC'). The present suit has been filed by the plaintiff through General Manager Mr. R.C. Malhotra who is duly authorized vide Board Resolution dated 29.6.2001 to sign, verify and file the suit. Plaintiffs are printers and publishers and are printing and publishing Times of India,

Economic Times, Nav Bharat Times, Femina, Sandhya Times, Filmfare etc. Defendant No. 1 M/s Adharshila Creations owned by defendant No. 2 is carrying on the business of advertising and marketing. Plaintiff had business dealings with the defendants for the purpose of publication of various advertisements in the newspapers and magazines published by the plaintiff. These advertisements were published from time to time under the instructions of the defendants as per various job orders issued between September 2002 to October 2002 to the entire satisfaction of the defendants. Against these orders on completion of work, plaintiff raised 64 bills for a total sum of Rs. 30,07,157.93/-. Defendants failed to make the payment of this amount which is shown as outstanding amount in the accounts of the defendants as per the statement of account placed on record with the plaint. Plaintiff also claimed a sum of Rs. 5,70,334/- as interest on the said amount @ 24% per annum upto October, 2003. Defendants failed to make the payment of the amount despite service of legal notice dated 14.10.2003. Hence the present suit.

2. Summons for appearance were duly served upon the defendants by way of publication in Times of India as well

as by way of affixation at the last known addresses. Process was also served by way of display on the Court Notice Board on filing of PF as the defendants could not be served by ordinary means. This publication was effected in Times of India dated 15.9.2006. However, despite service the defendants failed to file their memo of appearance as required under Order 37 Rule 2, sub Rule 3.

3. Since defendants have defaulted in entering appearance as required under the law, the allegations in the plaint are deemed to be admitted by the defendants and the plaintiff is entitled to a decree as prayed for. Accordingly, I hereby pass a decree for Rs. 35,77,491.93/- with cost of the suit in favour of the plaintiff and against the defendants. Plaintiff is further awarded interest pendente lite and future interest @ 12% per annum on the principal amount of Rs.30,07,157.93/- from the date of the filing of the suit till its realization.

4. Decree be prepared accordingly. File be consigned.

December 4, 2007 **ARUNA SURESH**
jk **(JUDGE)**